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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,161	07/11/2000	Michael D. Kotzin	CS10675	1611

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Motorola Inc
Intellectual Property Dept PJB
600 North US Highway 45 AN475
Libertyville, IL 60048

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,161

Applicant(s)

KOTZIN

Examiner

Joy K Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-32 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-32, 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Arguments

1. Applicant's amendment filed May 6, 2004 has been carefully considered but Applicant's arguments are not persuasive. Applicant alleges that the term "rate" as "similarly used" in the Vannatta (US 5,924,044) reference differ to some degree. Examiner disagrees.

With regard to independent claims 30 and 37, Applicant suggests that the exemplary differing data rates in the instant application (i.e., identified in Kilobits per second) do not anticipate Vannatta's use of short bursts and alternatively full duplex voice communication because full duplex describes an instance wherein an aggregate "data rate might vary, which includes periods of time, when a transceiver is transmitting, and periods of time, when a transceiver is not transmitting." Examiner asserts that is known in the art for full duplex voice communications to have a higher data rate than the half duplex or using the short data bursts. If two way communication possible at the same time, as in full duplex communication, the amount of data transmitted for the same transmission duration is increased.

Applicant's amendment does not overcome the rejection under 35 USC 102(e) using Vannatta because, Vannatta discloses transmitting shortened data bursts during transmit time slots and accordingly transmitting full duplex communication (col. 7, lines 30-41). Hence, the acknowledgement that there are times when a transceiver is not transmitting is not relevant to the independent claims of the instant application. Regardless, it is known in the art that half duplex and full duplex communications are rated using the same measuring units as in the instant application, using Kilobits per seconds.

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With regards to independent claim 41, Applicant argues that Baker's (US 6,317,597) modems do not enhance the performance of the transceiver of the wireless transmission channel. However, this language is not claimed. Further, the modem in Baker is able to communicate with the enhanced services wireless communication protocol to enhance throughput of the wireless communication, wherein various wireless protocols are utilized to take advantage of different wireless modem capabilities (col. 7,line 42 to col. 8,line 17).

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 30-32, 37-38 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Vannatta et al. ("Vannatta"), U.S. Patent No. 5,924,044.

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Regarding claim 30, Vannatta discloses a cellular telephone comprising: a battery detachably connectable to the cellular telephone (i.e., module 106) to supply the cellular telephone with power (col. 3, lines 1-12); a remote power source (i.e., module 108) detachably connectable to the cellular telephone (i.e., module 106), wherein the cellular telephone is adapted to sense when the remote power source is coupled to the cellular telephone, the cellular telephone to alter a cellular telephone capability responsive to sensing the remote power source coupled to the cellular telephone (col. 4, lines 59-67 to col. 5, line 2 and 54-64), whereby the cellular telephone, which communicates data at the first data rate (i.e., when short data bursts are transmitted, such as in data slot 1100) over an air interface independently of the remote power source, is capable of communicating at a higher data rate (i.e., full duplex voice communication, such as in data slot 1000, wherein normal data bursts are transmitted) only while the remote power source (i.e., module 108) is coupled (col. 5, lines 64-67 to col. 6, line 8 and see Figs. 8-13).

Regarding claim 31, Vannatta also discloses the cellular telephone as in claim 30, wherein the battery is operational to deliver a first predetermined voltage level (e.g., 1.5 volts) to the cellular telephone (i.e., module 106), the remote power source (i.e., module 108) operational to deliver a second predetermined voltage level (i.e., VPA that is greater than regulated supply voltage V) to the cellular telephone, the second predetermined voltage level greater than the first predetermined voltage level (col. 3, lines 1-12 and col. 5, lines 3-15).

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Regarding claim 32, Vannatta further discloses the cellular telephone as in claim 30, wherein the cellular telephone is configured to transmit at a higher average transmit power when the cellular telephone is coupled to the remote power source (col. 5, lines 50-64).

Regarding claim 37, Vannatta discloses a communication assembly, comprising:

a portable wireless communication device (i.e., module 106) including a transceiver for communication data over a wireless link and control circuitry coupled to the transceiver, the control circuitry providing digital data processing to the transceiver sufficient to enable the transceiver to communicate data via the communication link at a first data rate (i.e., when short data bursts are transmitted, such as in data slot 1100); and

an apparatus (i.e., module 108) detachably coupled to the portable wireless communication device, the apparatus including digital circuitry to couple to the control circuitry via a data bus, the digital circuitry providing support for the control circuitry via the data bus when the apparatus is coupled to the portable wireless device, whereby the digital circuitry operates with the control circuitry to provide digital data processing to the transceiver sufficient to enable the transceiver to communicate data via the data link at a second data rate when the apparatus is connected to the communication device, the second data rate being higher than the first data rate (col.

Regarding claim 38, Vannatta further discloses the communication assembly as defined in claim 37, wherein the control circuitry comprises a first microprocessor.

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Regarding claim 40, Vannatta also discloses the communication assembly as defined in claim 37, wherein the apparatus (i.e., module 108) further includes a power source to couple to the communication device (i.e., module 106), the power source providing additional power when the apparatus is coupled to the wireless communication device (col. 5, lines 64-67 to col. 6, line 8 and see Figs. 8-13).

4. Claims 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. ("Baker"), U.S. Patent No. 6,317,597.

Regarding claim 41, Baker discloses a method of controlling a transceiver in a portable wireless communication device, the method comprising the steps of:

transmitting and receiving wireless communication data from a wireless communication device (i.e., reads on cellular modem) in a transceiver (col. 1, lines 8-17 and col. 6, lines 11-17);

inherently, data processing information for transmission and reception via the transceiver in a first processing circuitry (i.e., that which is inherently used transferring data in a cellular transceiver) in the wireless communication device when an external apparatus (i.e., modem 102) is not connected to the wireless communication device, the first processing circuitry enabling wireless data communication (i.e., cellular modem) via the transceiver at a first data rate (col. 1, lines 44-51 and col. 6, lines 11-17 and col. 7, line 42 to col. 8, line 17); and

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cooperative data processing (i.e., connection between the modem and wireless transceiver) in both the first processing circuitry and a second processing circuitry in an external apparatus (i.e., modem) information for transmission and reception via the transceiver when the external apparatus including the second processing circuitry is coupled to the communication device, the co-processing (i.e., the connection) enabling wireless data communication via the transceiver at a second data rate, while transmitting, higher than the first data rate (col.6, lines 11-17 and col. 7, line 59 to col. 8, line 17).

Regarding claim 42, Baker further discloses the method as defined in claim 41, wherein said step of cooperative processing (i.e., the connection) comprises sharing in the first processing circuitry and the second processing circuitry at least one of coding and decoding of the signals communicated to on the communication link when the external apparatus is coupled to the wireless communication device (see Fig. 3 and col. 7, line 54-65).

Regarding claim 43, Baker is also evidence of the method as defined in claim 41, wherein said step of cooperative processing (i.e., the connection) comprises the first processing circuitry providing Internet protocol (i.e., for direct Internet access) information to the second digital processing circuitry, and the second processing circuitry processing at least one of digital images and web content (i.e., Internet download) (col. 10, lines 40-47).

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Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vannatta, in view of Lee et al. ("Lee"), U.S. Patent No. 5,873,045.

Regarding claim 39, Vannatta discloses the communication assembly as defined in claim 37. Vannatta fails to explicitly disclose wherein the digital circuitry comprises a second microprocessor, the data bus connected between the first and second microprocessors when the apparatus is coupled to the wireless communication device.

In a similar field of endeavor, Lee is evidence wherein the digital circuitry comprises a second microprocessor, the data bus connected between the first and second microprocessors when the apparatus is coupled to the wireless communication device (see Fig. 5, #69 and #30 and col. 6, lines 51-62).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have provided a second microprocessor in the module 108 for the purpose of allowing further processing of various signals, e.g., control of power supply, within module 108, independent of connection to module 106.

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Motivation for doing so, would have been for the purpose of provide a peripheral microcontroller as taught in Lee for the same (col. 6, lines 6,lines 51-62).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149.

The Examiner can normally be reached between 5:30 a.m. and 2:00 p.m., Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703)305-4379.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-4700

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9306 for formal communications intended for entry)

Or:

(703) 872-9306 informal or draft communications, please label "PROPOSED" or "DRAFT")


Joy K. Contee

July 20, 2004


7/21/04
LESTER G. KINCAID
PRIMARY EXAMINER